

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GILBERT MEDICAL BUILDING LCC,)
and AKY MD GILBERT, LLC,)
Plaintiffs,)
v.) Case No. 5:20-cv-00896-R
TRAVELERS CASUALTY)
INSURANCE COMPANY OF AMERICA,)
Defendant.)

PLAINTIFFS' NOTICE OF DESIGNATION OF EXPERT WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Gilbert Medical Building LCC, and AKY MD Gilbert, LLC, and files this Notice of Plaintiffs' Designation of Expert Witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2) and as required by the Court's Order.

I.

Plaintiffs hereby designate the following retained experts it intends to use at trial to present evidence under the Federal Rules of Evidence 702, 703, or 705:

1. **Howard Altschule**
Forensic Weather Consultants, LLC
2400 Western Avenue
Guilderland, New York 12084
Telephone: (518) 862-1800

Mr. Altschule expert report will be produced under separate cover to Defendant with exhibits and curriculum vitae.

2. **Kelly Parker**
Smart House Consultants
6444 NW Expressway, Suite 836A
Oklahoma City, OK 73132
Telephone: (405) 495-9959
Facsimile: (405) 943-3329

Mr. Parker's expert report will be produced under separate cover to Defendant with exhibits and curriculum vitae.

3. **Duane Smith**
Bovini Consultants
P.O. Box 306
Bullard, Texas 75757
Telephone: (903) 216-0089

Mr. Smith's expert report will be produced under separate cover to Defendant with exhibits and curriculum vitae.

II.

Plaintiffs hereby designate the following non-retained experts it intends to use at trial to present evidence under the Federal Rules of Evidence 702, 703, or 705:

4. **Jonathan Whitekiller**
A&S Commercial Roofing and Contracting
3332 Stonybrook Court
Oklahoma City, OK 73120
Telephone: (405) 740-2137

Mr. Whitekiller is an employee with A&S Commercial Roofing and Contracting and inspected the property and wrote an estimate for the reasonable and necessary costs to repair damaged property. Mr. Whitekiller will testify to his inspection of the property, damage found to the property wind or hail and the reasonable and necessary costs to repair the property.

5. **Cord Werner**
A to Z Commercial Inspections
3625 N. McKinley Ave.
Oklahoma City, OK 73118
Telephone: (405) 412-7861

Mr. Werner is an employee of A to Z Commercial Inspections and inspected the property and wrote an estimate for the reasonable and necessary costs to repair damaged property. Mr.

Werner will testify to his inspection of the property, his findings thereto including but not limited to his finding of hail damage and the reasonable and necessary costs to make repairs.

6. **Jack Werner**
A to Z Commercial Inspections
3625 N. McKinley Ave.
Oklahoma City, OK 73118
Telephone: (405) 412-7861

Mr. Werner is an employee of A to Z Commercial Inspections and inspected the property and wrote an estimate for the reasonable and necessary costs to repair damaged property. Mr. Werner will testify to his inspection of the property, his findings thereto including but not limited to his finding of hail damage and the reasonable and necessary costs to make repairs.

7. Any rebuttal experts that may be needed based on the experts designated by Defendant.

II.

Plaintiffs reserve the right to amend and/or supplement this designation with additional designations of experts within the time limits imposed by the Court or any modification of same by subsequent Court Order or agreement of the parties, or pursuant to the Federal Rules of Civil Procedure in the event it learns through discovery or otherwise that additional experts and/or witnesses who may potentially provide expert opinions and/or conclusions are necessary and/or available.

III.

Plaintiffs reserve the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by other parties to this suit. Plaintiffs express its intention to possibly call, as witnesses associated with adverse parties, any of the other party's designated expert witnesses as adverse expert witnesses.

IV.

With respect to persons identified during the course of discovery as “persons with knowledge of relevant facts,” the current list of which was produced in Plaintiffs’ Initial Disclosures previously served on Defendant, Plaintiffs specifically reserve the right to elicit such “expert” or “lay opinion” testimony as may fall within these witnesses’ education, training and/or experience, regardless of the fact that such witnesses are presently expected to testify regarding merely factual matters related to the incident in question and have not been formally retained by Plaintiffs as witnesses to testify as an expert, provided such testimony would benefit the jury to determine material issues of fact and be consistent with any applicable Court Order and the Federal Rules of Civil Procedure and Federal Rules of Evidence.

Respectfully submitted,

FOSHEE & YAFFE LAW FIRM

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and

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**Attorneys for Gilbert Medical Building LLC, and
AKY MD Gilbert, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all parties through counsel of record pursuant to the Federal Rules of Civil Procedure on September 15, 2021 in manner described below:

via electronic service

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